

1 E. MARTIN ESTRADA  
2 United States Attorney  
3 SCOTT M. GARRINGER  
4 Assistant United States Attorney  
5 Chief, Criminal Division  
6 KEVIN J. BUTLER(Cal. Bar No. 329129)  
7 Assistant United States Attorney  
8 Violent & Organized Crime Section  
9 1300 United States Courthouse  
10 312 North Spring Street  
11 Los Angeles, California 90012  
12 Telephone: (213) 894-6495  
13 Facsimile: (213) 894-0141  
14 E-mail: kevin.butler2@usdoj.gov

15 Attorneys for Plaintiff  
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. CR 22-339-SPG

21 Plaintiff,

22 PLEA AGREEMENT FOR DEFENDANT  
23 AARON MARCUS JOHNSON

24 v.

25 AARON MARCUS JOHNSON, et al.,

26 Defendant.

27 1. This constitutes the plea agreement between AARON MARCUS  
28 JOHNSON ("defendant") and the United States Attorney's Office for the  
Central District of California (the "USAO") in the above-captioned  
case. This agreement is limited to the USAO and cannot bind any  
other federal, state, local, or foreign prosecuting, enforcement,  
administrative, or regulatory authorities.

29 DEFENDANT'S OBLIGATIONS

30 2. Defendant agrees to:

31 a. At the earliest opportunity requested by the USAO and  
32 provided by the Court, appear and plead guilty to count one of the  
33 indictment in United States v. Aaron Marcus Johnson, CR No. 22-339-

1 SPG, which charges defendant with Theft of Bank Property, in  
2 violation of 18 U.S.C. § 2113(b).

3 b. Not contest facts agreed to in this agreement.

4 c. Abide by all agreements regarding sentencing contained  
5 in this agreement.

6 d. Appear for all court appearances, surrender as ordered  
7 for service of sentence, obey all conditions of any bond, and obey  
8 any other ongoing court order in this matter.

9 e. Not commit any crime; however, offenses that would be  
10 excluded for sentencing purposes under United States Sentencing  
11 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not  
12 within the scope of this agreement.

13 f. Be truthful at all times with the United States  
14 Probation and Pretrial Services Office and the Court.

15 g. Pay the applicable special assessment at or before the  
16 time of sentencing unless defendant has demonstrated a lack of  
17 ability to pay such assessments.

18 THE USAO'S OBLIGATIONS

19 3. The USAO agrees to:

20 a. Not contest facts agreed to in this agreement.

21 b. Abide by all agreements regarding sentencing contained  
22 in this agreement.

23 c. At the time of sentencing, provided that defendant  
24 demonstrates an acceptance of responsibility for the offense up to  
25 and including the time of sentencing, recommend a two-level reduction  
26 in the applicable Sentencing Guidelines offense level, pursuant to  
27 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an  
28 additional one-level reduction if available under that section.

1 d. Not seek a sentence of imprisonment above the high end  
2 of the applicable Sentencing Guidelines range, provided that the  
3 offense level used by the Court to determine that range is 12 or  
4 higher and provided the Court does not depart downward in offense  
5 level or criminal history category. For purposes of this agreement,  
6 the high end of the Sentencing Guidelines range is that defined by  
7 the Sentencing Table in U.S.S.G. Chapter 5, Part A, without regard to  
8 reductions in the term of imprisonment that may be permissible  
9 through the substitution of community confinement or home detention  
10 as a result of the offense level falling within Zone B or Zone C of  
11 the Sentencing Table.

NATURE OF THE OFFENSE

13           4. Defendant understands that for defendant to be guilty of  
14 the crime charged in count one, that is, Theft of Bank Property, in  
15 violation of Title 18, United States Code, Sections 2113(b), the  
16 following must be true:

17                   a.     First, Defendant took and carried away with intent to  
18 steal or purloin of property belonging to or in the care, custody,  
19 management or possession of U.S. Bank;

## PENALTIES

25       5.    Defendant understands that the statutory maximum sentence  
26 that the Court can impose for a violation of Title 18, United States  
27 Code, Section 2113(b), is: 10 year imprisonment; a 3-year period of  
28 supervised release; a fine of \$250,000 or twice the gross gain or

1 gross loss resulting from the offense, whichever is greatest; and a  
2 mandatory special assessment of \$100.

3       6. Defendant understands that supervised release is a period  
4 of time following imprisonment during which defendant will be subject  
5 to various restrictions and requirements. Defendant understands that  
6 if defendant violates one or more of the conditions of any supervised  
7 release imposed, defendant may be returned to prison for all or part  
8 of the term of supervised release authorized by statute for the  
9 offense that resulted in the term of supervised release, which could  
10 result in defendant serving a total term of imprisonment greater than  
11 the statutory maximum stated above.

12       7. Defendant understands that, by pleading guilty, defendant  
13 may be giving up valuable government benefits and valuable civic  
14 rights, such as the right to vote, the right to possess a firearm,  
15 the right to hold office, and the right to serve on a jury. Defendant  
16 understands that he is pleading guilty to a felony and that it is a  
17 federal crime for a convicted felon to possess a firearm or  
18 ammunition. Defendant understands that the conviction in this case  
19 may also subject defendant to various other collateral consequences,  
20 including but not limited to revocation of probation, parole, or  
21 supervised release in another case and suspension or revocation of a  
22 professional license. Defendant understands that unanticipated  
23 collateral consequences will not serve as grounds to withdraw  
24 defendant's guilty plea.

25       8. Defendant understands that, if defendant is not a United  
26 States citizen, the felony conviction in this case may subject  
27 defendant to: removal, also known as deportation, which may, under  
28 some circumstances, be mandatory; denial of citizenship; and denial

1 of admission to the United States in the future. The Court cannot,  
2 and defendant's attorney also may not be able to, advise defendant  
3 fully regarding the immigration consequences of the felony conviction  
4 in this case. Defendant understands that unexpected immigration  
5 consequences will not serve as grounds to withdraw defendant's guilty  
6 plea.

7 FACTUAL BASIS

8 9. Defendant admits that defendant is, in fact, guilty of the  
offense to which defendant is agreeing to plead guilty. Defendant  
10 and the USAO agree to the statement of facts provided below and agree  
11 that this statement of facts is sufficient to support a plea of  
12 guilty to the charge described in this agreement and to establish the  
13 Sentencing Guidelines factors set forth in paragraph 11 below but is  
14 not meant to be a complete recitation of all facts relevant to the  
15 underlying criminal conduct or all facts known to either party that  
16 relate to that conduct.

17 On or about November 4, 2021, in Los Angeles County, within the  
18 Central District of California, defendant, along with his co-  
19 defendant, entered the 7-11 convenience store located at 9403 Artesia  
20 Boulevard in Bellflower, California, and used a buzzsaw to cut  
21 through the bolts holding the Automatic Teller Machine ("ATM") to the  
22 floor of the 7-11. Once the bolts were cut, defendant and co-  
23 defendant, placed the ATM on a dolly, wheeled the dolly outside,  
24 placed the ATM inside a van, and fled. The ATM contained  
25 approximately \$78,080 belonging to U.S. Bank. At the time, the  
26 deposits of U.S. Bank were insured by the Federal Deposit Insurance  
27 Corporation.

## SENTENCING FACTORS

10. Defendant understands that in determining defendant's sentence the Court is required to calculate the applicable Sentencing Guidelines range and to consider that range, possible departures under the Sentencing Guidelines, and the other sentencing factors set forth in 18 U.S.C. § 3553(a). Defendant understands that the Sentencing Guidelines are advisory only, that defendant cannot have any expectation of receiving a sentence within the calculated Sentencing Guidelines range, and that after considering the Sentencing Guidelines and the other § 3553(a) factors, the Court will be free to exercise its discretion to impose any sentence it finds appropriate up to the maximum set by statute for the crime of conviction.

11. Defendant and the USAO agree to the following applicable Sentencing Guidelines factors:

Base Offense Level: 6 U.S.S.G. § 2B1.1(a)(2)

Loss Amount +6 U.S.S.G. § 2B1.1(b)(1)(D)

Defendant and the USAO reserve the right to argue that additional specific offense characteristics, adjustments, and departures under the Sentencing Guidelines are appropriate.

12. Defendant understands that there is no agreement as to defendant's criminal history or criminal history category.

13. Defendant and the USAO reserve the right to argue for a sentence outside the sentencing range established by the Sentencing Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1), (a)(2), (a)(3), (a)(6), and (a)(7).

## WAIVER OF CONSTITUTIONAL RIGHTS

14. Defendant understands that by pleading guilty, defendant gives up the following rights:

a. The right to persist in a plea of not guilty.

b. The right to a speedy and public trial by jury.

c. The right to be represented by counsel -- and if

necessary have the Court appoint counsel -- at trial. Defendant understands, however, that, defendant retains the right to be represented by counsel -- and if necessary have the Court appoint counsel -- at every other stage of the proceeding.

d. The right to be presumed innocent and to have the

burden of proof placed on the government to prove defendant guilty beyond a reasonable doubt.

e. The right to confront and cross-examine witnesses against defendant.

f. The right to testify and to present evidence in opposition to the charges, including the right to compel the attendance of witnesses to testify.

g. The right not to be compelled to testify, and, if defendant chose not to testify or present evidence, to have that choice not be used against defendant.

h. Any and all rights to pursue any affirmative defenses, Fourth Amendment or Fifth Amendment claims, and other pretrial motions that have been filed or could be filed.

WAIVER OF APPEAL OF CONVICTION

15. Defendant understands that, with the exception of an appeal based on a claim that defendant's guilty plea was involuntary, by pleading guilty defendant is waiving and giving up any right to

1 appeal defendant's conviction on the offense to which defendant is  
2 pleading guilty. Defendant understands that this waiver includes,  
3 but is not limited to, arguments that the statute to which defendant  
4 is pleading guilty is unconstitutional, and any and all claims that  
5 the statement of facts provided herein is insufficient to support  
6 defendant's plea of guilty.

7 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

8 16. Defendant agrees that, provided the Court imposes a term of  
9 imprisonment within or below the range corresponding to an offense  
10 level of 10 and the criminal history category calculated by the  
11 Court, defendant gives up the right to appeal all of the following:  
12 (a) the procedures and calculations used to determine and impose any  
13 portion of the sentence; (b) the term of imprisonment imposed by the  
14 Court; (c) the fine imposed by the Court, provided it is within the  
15 statutory maximum; (d) to the extent permitted by law, the  
16 constitutionality or legality of defendant's sentence, provided it is  
17 within the statutory maximum; (e) the term of probation or supervised  
18 release imposed by the Court, provided it is within the statutory  
19 maximum; and (f) any of the following conditions of probation or  
20 supervised release imposed by the Court: the conditions set forth in  
21 Second Amended General Order 20-04 of this Court; the drug testing  
22 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); the  
23 alcohol and drug use conditions authorized by 18 U.S.C. § 3563(b)(7).

24 17. The USAO agrees that, provided (a) all portions of the  
25 sentence are at or below the statutory maximum specified above and  
26 (b) the Court imposes a term of imprisonment within or below the  
27 range corresponding to an offense level of 14, the USAO gives up its  
28 right to appeal any portion of the sentence.

RESULT OF WITHDRAWAL OF GUILTY PLEA

18. Defendant agrees that if, after entering a guilty plea pursuant to this agreement, defendant seeks to withdraw and succeeds in withdrawing defendant's guilty plea on any basis other than a claim and finding that entry into this plea agreement was involuntary, then the USAO will be relieved of all of its obligations under this agreement.

EFFECTIVE DATE OF AGREEMENT

19. This agreement is effective upon signature and execution of all required certifications by defendant, defendant's counsel, and an Assistant United States Attorney.

## BREACH OF AGREEMENT

20. Defendant agrees that if defendant, at any time after the signature of this agreement and execution of all required certifications by defendant, defendant's counsel, and an Assistant United States Attorney, knowingly violates or fails to perform any of defendant's obligations under this agreement ("a breach"), the USAO may declare this agreement breached. All of defendant's obligations are material, a single breach of this agreement is sufficient for the USAO to declare a breach, and defendant shall not be deemed to have cured a breach without the express agreement of the USAO in writing. If the USAO declares this agreement breached, and the Court finds such a breach to have occurred, then: (a) if defendant has previously entered a guilty plea pursuant to this agreement, defendant will not be able to withdraw the guilty plea, and (b) the USAO will be relieved of all its obligations under this agreement.

COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

## OFFICE NOT PARTIES

21. Defendant understands that the Court and the United States Probation and Pretrial Services Office are not parties to this agreement and need not accept any of the USAO's sentencing recommendations or the parties' agreements to facts or sentencing factors.

22. Defendant understands that both defendant and the USAO are free to: (a) supplement the facts by supplying relevant information to the United States Probation and Pretrial Services Office and the Court, (b) correct any and all factual misstatements relating to the Court's Sentencing Guidelines calculations and determination of sentence, and (c) argue on appeal and collateral review that the Court's Sentencing Guidelines calculations and the sentence it chooses to impose are not error, although each party agrees to maintain its view that the calculations in paragraph 11 are consistent with the facts of this case. While this paragraph permits both the USAO and defendant to submit full and complete factual information to the United States Probation and Pretrial Services Office and the Court, even if that factual information may be viewed as inconsistent with the facts agreed to in this agreement, this paragraph does not affect defendant's and the USAO's obligations not to contest the facts agreed to in this agreement.

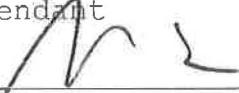
23. Defendant understands that even if the Court ignores any sentencing recommendation, finds facts or reaches conclusions different from those agreed to, and/or imposes any sentence up to the maximum established by statute, defendant cannot, for that reason, withdraw defendant's guilty plea, and defendant will remain bound to



1 Assistant United States Attorney

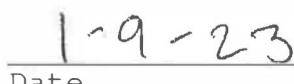
2  AARON MARCUS JOHNSON

3 Defendant

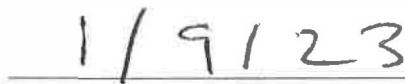
4  MICHAEL L. BROWN

5 Attorney for Defendant AARON MARCUS  
6 JOHNSON

1-9-23



Date



Date

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.

  
AARON MARCUS JOHNSON  
Defendant

1-9-23

Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am AARON MARCUS JOHNSON's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.

MICHAEL L. BROWN  
Attorney for Defendant AARON MARCUS  
JOHNSON

11/9/2023